

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2: 22-cv-1685 KJN P

ORDER TO SHOW CAUSE

Plaintiff is a civil detainee, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint and application to proceed in forma pauperis on September 16, 2022. (ECF Nos. 1, 2). As set forth below, plaintiff is ordered to show cause why his application to proceed in forma pauperis should not be denied.

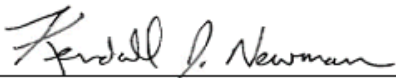
In his application to proceed in forma pauperis, completed under penalty of perjury, plaintiff asserts that he has received no money over the last twelve months from various sources including gifts and other sources. (ECF No. 2 at 1.) Plaintiff alleges that he has no cash. (*Id.* at 2.) However, plaintiff's prison trust account statement, filed October 17, 2022, in *Hill v. Her*, 22-cv-1849 KJN (E.D. Cal.), indicates that as of August 26, 2022, plaintiff had \$5,221.90 in his prison trust account.¹ (*Id.*, ECF No. 3 at 1.)

¹ A court may take judicial notice of court records. *See, e.g., Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002) (“[W]e may take notice of proceedings in other courts, both

1 In evaluating plaintiff's in forma pauperis application, the court looks to whether plaintiff
2 has submitted an affidavit that shows he "is unable to pay [the filing fee] or give security
3 therefore." 28 U.S.C. § 1915(a)(1). Plaintiff's prison trust account statement indicates that
4 plaintiff is able to pay the filing fee of \$402.00.

5 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the date of this
6 order, plaintiff shall show cause why his application to proceed in forma pauperis should not be
7 denied and plaintiff be ordered to pay the filing fee; failure to comply with this order will result in
8 a recommendation of dismissal of this action.

9 Dated: November 1, 2022

10 
11 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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28 within and without the federal judicial system, if those proceedings have a direct relation to
matters at issue") (internal quotation omitted).